

## Fiscal Estimate - 2009 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

<b>LRB Number</b> <b>09-4079/1</b>	<b>Introduction Number</b> <b>SB-478</b>
<b>Description</b> Orders to commit state prison inmates to a mental health facility	
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect  <input checked="" type="checkbox"/> Indeterminate  <div style="margin-left: 20px;"> <input type="checkbox"/> Increase Existing Appropriations  <input type="checkbox"/> Decrease Existing Appropriations  <input type="checkbox"/> Create New Appropriations                         </div> </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues                         </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget  <div style="margin-left: 20px;"> <input type="checkbox"/> Yes      <input type="checkbox"/> No                         </div> <input type="checkbox"/> Decrease Costs                     </div> </div> <b>Local:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs  <input type="checkbox"/> Indeterminate  <div style="margin-left: 20px;">                         1. <input type="checkbox"/> Increase Costs  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                          2. <input type="checkbox"/> Decrease Costs  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                     </div> </div> <div style="width: 33%;"> <div style="margin-left: 20px;">                         3. <input type="checkbox"/> Increase Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                          4. <input type="checkbox"/> Decrease Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                     </div> </div> <div style="width: 33%;"> <b>5. Types of Local Government Units Affected</b>  <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Towns  <input type="checkbox"/> Counties  <input type="checkbox"/> School Districts                         </div> <div style="width: 33%;"> <input type="checkbox"/> Village  <input type="checkbox"/> Others  <input type="checkbox"/> WTCS Districts                         </div> <div style="width: 33%;"> <input type="checkbox"/> Cities                     </div> </div> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div> <b>Fund Sources Affected</b>  <input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEGS                             </div> <div> <b>Affected Ch. 20 Appropriations</b> </div> </div>	
<b>Agency/Prepared By</b>  DA/ Phil Werner (608) 267-2700	<b>Authorized Signature</b>  Harald Jordahl (608) 261-7520
<b>Date</b>  1/29/2010	

## **Fiscal Estimate Narratives**

**DA 1/29/2010**

LRB Number <b>09-4079/1</b>	Introduction Number <b>SB-478</b>	Estimate Type <b>Original</b>
<b>Description</b> Orders to commit state prison inmates to a mental health facility		

### **Assumptions Used in Arriving at Fiscal Estimate**

Should this bill be enacted, prosecutors envision a small fiscal effect on their offices. Due to a shortage of data, it is difficult to provide an estimate.

### **Long-Range Fiscal Implications**

Should this bill be enacted, prosecutors anticipate a small long-term fiscal effect on their offices; however, due to a lack of data, it is difficult to provide an estimate.

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<b>Description</b> Orders to commit state prison inmates to a mental health facility		
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input checked="" type="checkbox"/> No State Fiscal Effect  <input type="checkbox"/> Indeterminate  <div style="display: flex;"> <div style="width: 50%;"> <input type="checkbox"/> Increase Existing Appropriations  <input type="checkbox"/> Decrease Existing Appropriations  <input type="checkbox"/> Create New Appropriations                         </div> <div style="width: 50%;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues                         </div> </div> </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget  <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> Yes                             <input type="checkbox"/> No                         </div> <input type="checkbox"/> Decrease Costs                     </div> </div>		
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<b>Agency/Prepared By</b> DHS/ William Emslie (608) 266-5380	<b>Authorized Signature</b> Andy Forsaith (608) 266-7684	<b>Date</b> 2/9/2010

## Fiscal Estimate Narratives

DHS 2/9/2010

LRB Number	09-4079/1	Introduction Number	SB-478	Estimate Type	Original
<b>Description</b>					
Orders to commit state prison inmates to a mental health facility					

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, the procedure to commit a person involuntarily to a mental health facility begins by filing a petition alleging that the person is mentally ill, drug dependent, or developmentally disabled, is a proper subject for treatment, and is dangerous. If these allegations are proven, the person may initially be committed for treatment for a period not to exceed six months, and any consecutive commitment order may not exceed 12 months.

In addition, a procedure to commit an inmate of a prison may begin under an alternative petition, which must allege all of the following: 1) that the inmate is mentally ill, is a proper subject for treatment, and is in need of treatment; 2) that the inmate is informed about his treatment needs; and 3) that less restrictive forms of treatment have been unsuccessful. If these allegations are proven, the inmate may be committed under this alternative petition for not more than 180 days in a 365 day period.

Inmates of a prison committed to a mental health facility under petition or an alternative petition receive treatment at the Wisconsin Resource Center (WRC) if they are male or on a forensic unit at Winnebago Mental Health Institute (WMHI) if they are female. Under current law, inmates committed to a mental health facility under an alternative petition must leave WRC to return to DOC at the end of six months. Often, they are recommitted to WRC after an additional six months to receive further treatment. This can often lead to inmates cycling through six-month periods of being on and off medications, resulting in an inefficient use of WRC psychiatry, social work, pharmacy, nursing, and management staff resources as well as the resources of the courts.

Under this bill, under the alternative petition, an inmate of a prison may initially be committed for treatment for a period not to exceed six months, and any consecutive commitment order may not exceed 12 months.

The bill will improve the efficiency and effectiveness of WRC and WMHI treatment programs by allowing inmates longer treatment stays at WRC and WMHI. However, it will not result in a net GPR savings or cost to DHS. To the extent that inmates involuntarily committed to a mental health facility under alternative petition are consecutively committed and therefore receive treatment for more than 180 days in a 365 day period, the length of stay for inmates receiving treatment at WRC and on forensic units at WMHI will increase. WRC is funded with GPR under s. 20.435 (2) (bm) and WMHI forensic units are funded with GPR under s. 20.435 (2) (b). However, these facilities and units currently operate at or near their treatment capacity, so GPR expenditures under s. 20.435 (2) (b) and s. 20.435 (2) (bm) will not increase under this bill.

### Long-Range Fiscal Implications

## Fiscal Estimate Worksheet - 2009 Session

Detailed Estimate of Annual Fiscal Effect

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<b>Description</b> Orders to commit state prison inmates to a mental health facility			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes	\$	\$	
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
<b>TOTAL State Costs by Category</b>	<b>\$</b>	<b>\$</b>	
<b>B. State Costs by Source of Funds</b>			
GPR			
FED			
PRO/PRS			
SEG/SEG-S			
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
	Increased Rev	Decreased Rev	
GPR Taxes	\$	\$	
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
<b>TOTAL State Revenues</b>	<b>\$</b>	<b>\$</b>	
<b>NET ANNUALIZED FISCAL IMPACT</b>			
	<u>State</u>	<u>Local</u>	
NET CHANGE IN COSTS	\$0	\$0	
NET CHANGE IN REVENUE	\$0	\$0	
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
DHS/ William Emslie (608) 266-5380		Andy Forsaith (608) 266-7684	2/9/2010

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<b>Agency/Prepared By</b> DOC/ Dustin Trickle (608) 240-5413	<b>Authorized Signature</b> Robert Margolies (608) 240-5056
<b>Date</b> 2/5/2010	

**Fiscal Estimate Narratives**  
**DOC 2/5/2010**

LRB Number	<b>09-4079/1</b>	Introduction Number	<b>SB-478</b>	Estimate Type	<b>Original</b>
<b>Description</b> Orders to commit state prison inmates to a mental health facility					

**Assumptions Used in Arriving at Fiscal Estimate**

Under current law, prison inmates who are committed for mental health treatment under an alternative petition procedure under s. 51.20(1)(ar)WI Stats may not be committed for mental health treatment for a period exceeding 180 days in any 365-day period. Under this bill, an inmate may initially be committed for treatment for a period not to exceed six months, and any consecutive commitment order may not exceed 12 months.

In calendar year 2009, there were ninety-two Chapter 51 mental health commitments within the Department of Corrections. Of these, eleven were of the 51.20(1)(ar) type.

Under current law, if an inmate is committed under 51.20(1)(ar) for an initial 180 day term within a 365 day period, and the Department pursues re-commitment for an additional term within a separate 365 day period, an additional initial commitment hearing must be conducted for that new term. The provisions of this bill would allow immediate extension of an initial 6 month civil commitment term pending the outcome of a re-commitment hearing, instead of requiring initial commitment hearings for each new 365 day period. The provisions of this bill may decrease workload in the form of reduced staff time devoted to preparation and participation at hearings related to re-commitment of inmates, as less staff time would be required for preparation and participation in re-commitment hearings. It is anticipated, however, that the decreased workload, would not have a significant impact on staff resources.

The number of inmates committed annually under Wis. Statute 51.20(1)(ar) varies from year to year and can't be predicted as each commitment is uniquely determined on a case by case basis. The Department is, therefore, unable to estimate a cost impact resulting from this proposed legislation.

**Long-Range Fiscal Implications**

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<b>State:</b>			
<input checked="" type="checkbox"/> No State Fiscal Effect			
<input type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
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		<input type="checkbox"/> Decrease Costs	
<b>Local:</b>			
<input type="checkbox"/> No Local Government Costs			
<input type="checkbox"/> Indeterminate			
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<input type="checkbox"/> Counties		<input type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b>		<b>Affected Ch. 20 Appropriations</b>	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	
SPD/ Megan Christiansen (608) 267-0311		Krista Ginger (608) 264-8572	
		<b>Date</b>	
		1/26/2010	



## **Fiscal Estimate Narratives**

**SPD 1/26/2010**

LRB Number	<b>09-4079/1</b>	Introduction Number	<b>SB-478</b>	Estimate Type	<b>Original</b>
<b>Description</b> Orders to commit state prison inmates to a mental health facility					

### **Assumptions Used in Arriving at Fiscal Estimate**

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal and certain commitment proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill does not provide for a new criminal offense, expand the definition of a criminal offense, or increase criminal penalties. The bill would make changes to the duration of certain commitment orders involving prison inmates. Because this change would have no effect on the number or duration of proceedings, there is no anticipated fiscal effect for the SPD.

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. However, there is no anticipated fiscal effect on the counties for appointment of counsel.

### **Long-Range Fiscal Implications**

None.